REMARKS

In the present application, claims 1-14 and 20-23 are pending. Claims 1-14 and 20-23 are rejected. Claims 1, 2, and 4-10 are amended. As a result of this response, claims 1-14 and 20-23 are believed to be in condition for allowance.

The Amendment

Claims 1, 2, and 4-10 have been amended to remove the occurrence of means plus function language and for purposes of clarity and consistency. No new matter has been added.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 1-14 and 20-23 as being unpatentable over Favichia et al. (5,199,069) in view of Hamalainen (EP-0779760). Applicants proceed under the assumption that the Examiner intended to cite Favichia et al. (6,125,122) (not "5,199,069" to Barrett et al.).

With regards to claim 4, the Examiner asserted that Favichia disclose "a method of ciphering in a communication network comprising a user equipment, an access network and a plurality of core networks, wherein said user equipment is configured to be simultaneously in communication with at least two of said plurality of core networks, said method comprising: communicating separate protocols comprising codeset parameters from at least two of a plurality of core networks where HLR and MSC 12, MSC 22, and MSC 32 are located that meets the recitation of communicating separate ciphering parameters to said access network from said at least two of said plurality of core networks (see column 3, line 57 through column 4, line 6 and column 4, lines38-52 and figure 1); selecting one of said separate protocols and using the selected one for ciphering at least both a communication between said user equipment and a first core network of said plurality of core networks ... (see column 2, line 59 through column 3, line 15 and column 4, line 38-52). Favichia is silent about ciphering algorithm or key, however, Favichia discloses communicating separate protocols comprising codeset parameters as indicated above and encoding values (column 4, lines 61-

67), which could be interpreted as means for ciphering communication. Official notice is taken by the Examiner that it is very well known that wireless communication protocol may include key and ciphering algorithm as part of the protocol for authentication and ciphering of messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protocol selection method of using codeset parameters of Favichia to use ciphering parameters for ciphering information related to the subscriber in the selection process so as to protect the identity of the subscriber. One of ordinary skill in the art would have been lead to make such a modification because it would protect the true identity of subscribers of the mobile stations since the information is sent in cipher form as known in the art.

The MPEP §2142 states "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations**." (emphasis added) Applicants respectfully disagree with the Examiner's characterization of the teachings of Favichia. Specifically, Applicants assert that, contrary to the Examiner's assertions, neither Favichia nor Hamalainen disclose "receiving at an access network separate ciphering parameters from at least a first core network and a second core network of a plurality of core networks" as claimed.

Claim 4, as amended, recites:

4. A method comprising:

receiving at an access network separate ciphering parameters from at least a first core network and a second core network of a plurality of core networks; and

selecting one of said separate ciphering parameters and using the selected ciphering parameter for ciphering at least both a communication

between a user equipment and said first core network of said plurality of core networks via said access network and a simultaneous communication between said user equipment and said second core network of said plurality of core networks via said access network.

Applicants note that Favichia discloses, generally, a method for agreeing upon a protocol for a communication between two nodes in the case that, for example, a first node can operate according to a protocol under which the second node cannot operate. With specific reference to the Examiner's citation of Fig. 1, there is described, generally, the selection of a protocol for communications between an HLR 11 associated with the home network 20 of a mobile station 10 and an MSC 32 associated with a foreign network in whose coverage area the mobile station 11 is currently located.

As noted, Favichia relates, generally, to the selection of one of a plurality of protocols for communications between the MSC 32 and the HLR 11. While taking no position on the correctness of the Examiner's determination of an equivalence between structures taught by Favichia and recited claim elements, it is supposed that the Examiner considers MSC 22 to form part of a claimed first core network and considers HLR 11 to form part of a claimed second core network.

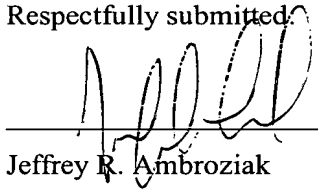
Proceeding under this understanding, Applicants note that Favichia does not teach the communication of such plurality of protocols (from which the selection is made) from the MSC 32 and HLR 11 to the access network by which the mobile station 10 accesses the MSC 32. Hence there is no teaching of an access network receiving a plurality of protocols. Assuming, arguendo, as the Examiner asserts, that it is well known that the selection of a protocol would involve the selection of a ciphering parameter, it follows from above that Favichia does not disclose the communication of separate ciphering parameters to an access network from at least two core networks. Therefore, Favichia does not teach "receiving at an access network separate ciphering parameters from at least a first core network and a second core network" as claimed. Applicants further note that Hamalainen does not teach, nor does the Examiner assert that it does, "receiving at an access network separate ciphering parameters from at least a first core network and a second core network" as claimed. As

neither Favichia nor Hamalainen individually recite this element, their combination, such a combination neither suggested nor deemed appropriate, likewise fails to teach this element. For this reason, claim 4 is in condition for allowance. It is further noted that all of independent claims 1, 8, and 9 recite language similar tot hat disclosed above with reference to claim 4. Claims 1, 8, and 9 are therefore likewise in condition for allowance. As all of claims 2-7, 10-14, and 20-23 depend upon claims 1, 4, 8, and 9, they are likewise in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Respectfully submitted,



31 Aug 06

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